



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

TO WCH
FR file
RECEIVED

AUG 11 2017

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

August 11, 2017

James L. Shea, Jr., Esquire
Royston, Mueller, McClean & Reid, LLP
The Royston Building, Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204-4575

Joshua D. and Kelly J. Stone
1710 Ruxton Road
Baltimore, Maryland 21204-3505

RE: In the Matter of: Joshua and Kelly Stone
Case No.: 17-273-A

Dear Messrs. Shea and Stone:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Sunny Cannington Hay
Krysundra "Sunny" Cannington
Administrator

KLC/taz
Duplicate Original Cover Letter
Enclosure

c: Edward R. and Carole A. Scully
Steve Warfield/Matis Warfield, Inc.
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

IN THE MATTER OF
JOSHUA AND KELLY STONE-LEGAL OWNERS
AND PETITIONERS FOR VARIANCE ON THE
PROPERTY LOCATED AT 1710 RUXTON ROAD

9TH ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 17-273-A

* * * * *

ORDER OF DISMISSAL

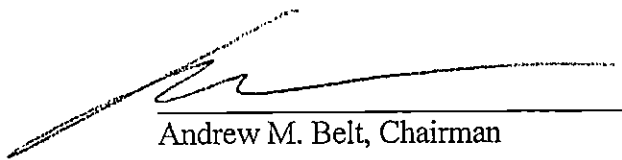
This matter comes to the Board of Appeals by way of an appeal filed by Edward and Carole Scully, Protestants and Appellants, from a final decision of the Administrative Law Judge dated May 15, 2017, in which the requested zoning relief was granted.

WHEREAS, the Board is in receipt of a letter of voluntary withdrawal of appeal filed on July 18, 2017, by James L. Shea, Jr., Esquire on behalf of Edward and Carole Scully, Protestants and Appellants (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Protestants/Appellants request that the appeal taken in this matter be withdrawn and dismissed as of July 18, 2017,

IT IS ORDERED this 11th day of August, 2017 by the Board of Appeals of Baltimore County that the appeal taken in Case No. 17-273-A be and the same is hereby **DISMISSED**.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Andrew M. Belt, Chairman

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600

THE ROYSTON BUILDING

102 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800

FACSIMILE 410-828-7859

www.rmmr.com

OF COUNSEL

THOMAS F. McDONOUGH

LAUREL PARETTA REESE

EUGENE W. CUNNINGHAM, JR., P.A.

BRADFORD G.Y. CARNEY

MICHAEL S. WARSHAW, P.A.

CARROLL W. ROYSTON

1913-1991

H. ANTHONY MUELLER

1913-2000

RICHARD A. REID

1931-2008

WILLIAM F. BLUE
ROBERT S. HANDZO*
EDWARD J. GILLISS
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG P. WARD
LEANNE M. SCHRECKENGOST
LISA J. McGRATH
MARTHA K. WHITE

JAMES L. SHEA, JR.
ROBERT F. MILLER
SARAH M. GRABENSTEIN
S. ADAM SCHARFF

* ALSO ADMITTED IN D.C.

July 18, 2017

Via Hand Delivery

Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: In the Matter of Joshua and Kelly Stone
1710 Ruxton Road
CBA # 17-273-A
Appeal Assigned for: July 19, 2017 at 10:00am



Dear Sir/Madam:

With this letter, the Appellants, Edward and Carol Scully, pursuant to Rule 3 of the Baltimore County Board of Appeals, hereby dismiss the above referenced appeal, which is scheduled to be heard Wednesday, July 19, 2017 at 10:00 a.m. If anything further is required to effect this dismissal, please advise.

Very truly yours,

James L. Shea, Jr.

JLS/jls

cc: Joshua D. and Kelly J. Stone, 1710 Ruxton Road, Baltimore MD 21204
Steve Warfield, Matis Warfield, Inc. 954 Ridgebrook Road, Suite 120, Sparks, MD 21152
Hon. John E. Beverungen, *courtesy copy* (Office of Administrative Hearings, 105 W. Chesapeake Ave. Suite 103)

S:\LITIGATIONS\JLS\Clients\Scully\County BOA 7-17-17.docx



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 11, 2017

James L. Shea, Jr., Esquire
Royston, Mueller, McClean & Reid, LLP
The Royston Building, Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204-4575

Joshua D. and Kelly J. Stone
1710 Ruxton Road
Baltimore, Maryland 21204-3505

RE: In the Matter of: Joshua and Kelly Stone
Case No.: 17-273-A

Dear Messrs. Shea and Stone:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review** filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Duplicate Original Cover Letter
Enclosure

c: Edward R. and Carole A. Scully
Steve Warfield/Matis Warfield, Inc.
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

**IN RE: PETITION FOR ADMIN. VARIANCE *
(1710 Ruxton Road)**

9th Election District

2nd Council District

Joshua D. & Kelly J. Stone

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0273-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Joshua D. and Kelly J. Stone ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a proposed garage addition attached to the rear of the existing dwelling with a rear yard setback of 20.4 ft. in lieu of the required 40 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 23, 2017, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in

ORDER RECEIVED FOR FILING

Date 5-15-17

By RW

the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 15th day of **May, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a proposed garage addition attached to the rear of the existing dwelling with a rear yard setback of 20.4 ft. in lieu of the required 40 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JEB:dlw


JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 5-15-17

By DW



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

May 15, 2017

Joshua D. and Kelly J. Stone
1710 Ruxton Road
Towson, MD 21204

RE: Petition for Administrative Variance
Case No. 2017-0273-A
Property: 1710 Ruxton Road

Dear Petitioners:

Enclosed please find a copy of the Order rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Steve Warfield, Matis Warfield, Inc., 954 Ridgebrook Road, Suite 120, Sparks, MD 21152



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 1710 Ruxton Road, Towson, MD 21204

Currently zoned DR-2

Deed Reference 37413 / 238

10 Digit Tax Account # 0 9 0 6 2 0 0 2 0 0

Owner(s) Printed Name(s) Joshua D Stone, Kelly J Stone

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the **Affidavit** on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. **X** **ADMINISTRATIVE VARIANCE** from Section(s) _____

1B02.3(C)(1) - To permit a proposed garage addition attached to the rear of the existing dwelling with a rear yard setback of 20.4 feet in lieu of the required 40 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

Joshua Stone

Kelly Stone

Name #1 – Type or Print

Name #2 – Type or Print

[Signature]
Signature #1

[Signature]
Signature #2

1710 Ruxton Rd

Towson

MD

Mailing Address

City

State

21204

Zip Code

Telephone #

Email Address

Attorney for Owner(s)/Petitioner(s):

N/A

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Steve Warfield

Name – Type or Print

Signature

954 Ridgebrook Rd Sparks

MD

Mailing Address

City

State

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER

2017-0273-A

Filing Date

4/19/17

Estimated Posting Date

4/23/17

Reviewer

AT

~ 5/8/17

Rev 5/5/2016

74

1155.
-1812-

1156.

1157. 1158.

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 1710 Ruxton Road Towson Maryland 21204
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

Please see Attached

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

[Signature]
Signature of Owner (Affiant)

Joshua Stone
Name- Print or Type

[Signature]
Signature of Owner (Affiant)

Kelly Stone
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

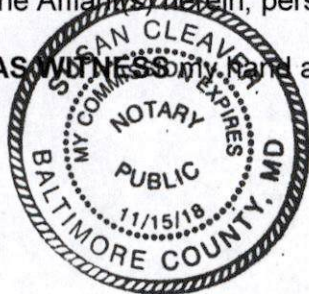
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of April, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Joshua Stone and Kelly Stone

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

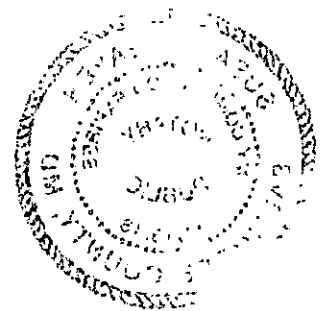


[Signature]
Notary Public

11/15/2018
My Commission Expires

2017-0273-A

1-27-90-910



Practical Difficulty - to Accompany Petition For Administrative Variance

The existing property located at 1710 Ruxton Road is improved with a single-family dwelling located on the northeast portion of the property, and is set back from the property lines approximately the minimum amount. The existing northern side yard is as small as 16.3-feet wide. The minimum required is 15-feet. The existing rear yard is 35.5-feet wide. The minimum required is 40-feet. The property partially shares a driveway with the adjacent property to the north. There is an existing 2-vehicle garage located at the rear of the existing dwelling. The property owner wishes to expand the garage into the rear yard to accommodate a third vehicle, and to expand the garage into the side yard to accommodate additional depth for storage and to accommodate laundry and other facilities along the southern wall of the existing and proposed garage.

Strict compliance with the setback requirements would make conformance unnecessarily burdensome and create a practical difficulty because the additional garage bay would have to be located elsewhere on the property which would not be architecturally functional with the existing dwelling. In addition to the architectural constraints, there are multiple site constraints such as the floodplain and the septic reserve area along the front of the property.

If the relief is granted, the single-family dwelling use is allowed, no change to residential density will occur, the building height will not change, all other setback and area regulations are adhered to, the building codes will be adhered to, adequate vehicular circulation is provided, no signs are proposed, the site is not within any failed areas on the County's Basic Service Maps, and the public health, safety, and welfare will be not be affected.

**ZONING DESCRIPTION to Accompany Petition For
Administrative Variance**

Beginning at a point on the Centerline of Ruxton Road which has a variable width, at the distance of 524 (+/-)- feet north of the centerline of the nearest improved intersecting street, Circle Road. Thence the following courses and distances:

N 05°56'00" E. 161.01'
S 89°40'44" E. 261.08'
S 00°07'53" W. 205.17'
S 86°03'53" W. 80.42'
N 89°56'07" W. 39.67'
N 82°11'07" W. 27.25'
N 69°41'07" W. 139.00'

Back to the point of Beginning as recorded in Deed Liber 37412 Folio 238 containing 1.23-acres +/- The parcel described being parcel 579 on Baltimore County Tax Map #69. Also known as 1710 Ruxton Road located in the 9th Election District of Baltimore County, Maryland.

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY AND IS NOT
INTENDED TO BE USED FOR CONVEYANCES OR AGREEMENTS

2017-0273-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

NO. 151420

Date:

4/10/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806000			6130				\$ 75

Total:

\$ 75

Rec

From:

For:

1710 RUXTON RD

2017-0273-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
4/10/2017 4/10/2017 10:02:48 1
REG 0501 WALKIN LJR
>>RECEIPT # 714965 4/10/2017 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 151420
Recpt Tot \$75.00
\$75.00 CR \$.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

Nº 143333

Date: 6-1-17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	000		6150				265.00

Total: 265.00

Rec From: Carol Scully CK# 4258 (AV)

For: 1710 Ruxton Rd.

Case # 2017-0273

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME
 6/01/2017 6/01/2017 11:54:15 3
 REG MS03 WALKIN CAM
 >>RECEIPT # 727653 6/01/2017 OFLN
 Dept 5 528 ZONING VERIFICATION
 CR NO. 143333
 Recpt Tot \$265.00
 \$265.00 CK \$1.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

**ZONING DESCRIPTION to Accompany Petition For
Administrative Variance**

Beginning at a point on the Centerline of Ruxton Road which has a variable width, at the distance of 524 (+/-) feet north of the centerline of the nearest improved intersecting street, Circle Road. Thence the following courses and distances:

N 05°56'00" E. 161.01'
S 89°40'44" E. 261.08'
S 00°07'53" W. 205.17'
S 86°03'53" W. 80.42'
N 89°56'07" W. 39.67'
N 82°11'07" W. 27.25'
N 69°41'07" W. 139.00'

Back to the point of Beginning as recorded in Deed Liber 37412 Folio 238 containing 1.23-acres +/- . The parcel described being parcel 579 on Baltimore County Tax Map #69. Also known as 1710 Ruxton Road located in the 9th Election District of Baltimore County, Maryland.

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY AND IS NOT
INTENDED TO BE USED FOR CONVEYANCES OR AGREEMENTS

CERTIFICATE OF POSTING

2017-0273-A

RE: Case No.: _____

Petitioner/Developer: _____

Johsua Stone

May 8, 2017

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1710 Ruxton Road

April 23, 2017

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

April 23, 2017

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0273 - A Address 1710 Ruxton Road

Contact Person: Aaron Tsui Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 04/10/17 Posting Date: 04/23/17 Closing Date: 05/08/17

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2017- 0273 -A Address 1710 Ruxton Road

Petitioner's Name: Johnsua Stone Telephone 410-683-7004

Posting Date: 04/23/17 Closing Date: 05/08/2017

Wording for Sign: To permit a proposed garage addition attached to the rear of the existing dwelling with a rear yard setback of 20.4 feet in lieu of the required 40 feet.

R Revised 8/9/16



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

June 6, 2017

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Joshua and Kelly Stone
1710 Ruxton Road
17-273-A 9th Election District; 2nd Councilmanic District

Re: Petition for Administrative Variance relief pursuant to §1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a proposed garage addition attached to the rear of the existing dwelling with a rear yard setback of 20.4 feet in lieu of the required 40 feet.

5/15/17 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was GRANTED.

ASSIGNED FOR: **WEDNESDAY, JULY 19, 2017, AT 10:00 A.M.**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

NEW! Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.

NEW! Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington, Administrator

c: Petitioner/LO

: Joshua and Kelly Stone

Protestant/Appellant

: Edward and Carole Scully

Steve Warfield/Matis Warfield, Inc.
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney
Office of People's Counsel



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

May 9, 2017

Joshua & Kelly Stone
1710 Ruxton Road
Towson MD 21204

RE: Case Number: 2017-0273 A, Address: 1710 Ruxton Road

Dear Mr. & Ms. Stone:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 10, 2017. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Steve Warfield, 954 Ridgebrook Road, Sparks MD 21152

TO WORK

20BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 24, 2017
Item No. 2017-0242, 0273, 0275, 0276 and 0277

DATE: April 26, 2017

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comment.

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC04242017.doc

Date: 4/17/17

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2017-0293-A -

*Administrative Variance
Joshua & Kelly Stone
1710 Ruxton Road*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption				View GroundRent Registration			
Account Identifier:			District - 09 Account Number - 0906200200							
Owner Information										
Owner Name:		STONE JOSHUA D STONE KELLY J			Use: Principal Residence:		RESIDENTIAL YES			
Mailing Address:		1710 RUXTON RD BALTIMORE MD 21204-			Deed Reference:		/37413/ 00238			
Location & Structure Information										
Premises Address:		1710 RUXTON RD BALTIMORE 21204-3505			Legal Description:		1.25 AC 1710 RUXTON RD ES 1750 E JONES FALLS EXPR			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0069	0010	0579		0000				2017	Plat Ref:	
Special Tax Areas:				Town:		NONE				
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1922		4,279 SF				1.2500 AC		04		
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation			
2 1/2	YES	STANDARD UNIT		STUCCO	4 full/ 3 half	1 Attached				
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of 01/01/2017		As of 07/01/2016		As of 07/01/2017		
Land:		389,500		389,500						
Improvements		570,000		778,500						
Total:		959,500		1,168,000		959,500		1,029,000		
Preferential Land:		0						0		
Transfer Information										
Seller: STONE JOSHUA D				Date: 04/20/2016		Price: \$0				
Type: NON-ARMS LENGTH OTHER				Deed1: /37413/ 00238		Deed2:				
Seller: KIDD DAWN				Date: 05/02/2014		Price: \$850,000				
Type: ARMS LENGTH IMPROVED				Deed1: /34925/ 00311		Deed2:				
Seller: MONFORD RONALD T				Date: 06/12/2008		Price: \$1,300,000				
Type: ARMS LENGTH IMPROVED				Deed1: /27084/ 00303		Deed2:				
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2016		07/01/2017				
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00		0.00 0.00				
Tax Exempt:				Special Tax Recapture:						
Exempt Class:				NONE						



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

June 2, 2017

Joshua D. and Kelly J. Stone
1710 Ruxton Road
Towson, MD 21204



RE: **APPEAL TO BOARD OF APPEALS**
Petition for Administrative Variance
Case No. 2017-0273-A
Property: 1710 Ruxton Road

Dear Petitioners:

Please be advised that an appeal of the above-referenced case was filed in this Office on June 1, 2017. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", written over the printed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

c: Steve Warfield, Matis Warfield, Inc., 954 Ridgebrook Road, Suite 120, Sparks, MD 21152
Edward R. & Carole A. Scully, 1706 Ruxton Road, Baltimore, MD 21204
✓ Baltimore County Board of Appeals
People's Counsel

APPEAL

**Petition for Administrative Variance
(1710 Ruxton Road)
9th Election District – 2nd Councilmanic District
Legal Owners: Joshua D. & Kelly J. Stone
Case No. 2017-0273-A**

Petition for Variance Hearing (April 23, 2017)

Zoning Description of Property

Administrative Variance Information Sheet and Dates

Certificate of Posting (April 23, 2017) SSG Robert Black

Zoning Advisory Committee Comments

Petitioner(s) Exhibits -

1. Site Plan

Protestants' Exhibits – None

Miscellaneous (Not Marked as Exhibits)

Administrative Law Judge Order and Letter (GRANTED – May 15, 2017)

Notice of Appeal – June 1, 2017 from Carole & Edward Scully

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600

THE ROYSTON BUILDING

102 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800

FACSIMILE 410-828-7859

www.rmmr.com

WILLIAM F. BLUE
ROBERT S. HANDZO*
EDWARD J. GILLISS
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG P. WARD
LEANNE M. SCHRECENGOST
LISA J. McGRATH
MARTHA K. WHITE

JAMES L. SHEA, JR.
ROBERT F. MILLER
SARAH M. GRABENSTEIN
S. ADAM SCHARFF

* ALSO ADMITTED IN D.C.

OF COUNSEL
THOMAS F. McDONOUGH
LAUREL PARETTA REESE
EUGENE W. CUNNINGHAM, JR., P.A.
BRADFORD G.Y. CARNEY
MICHAEL S. WARSHAW, P.A.

CARROLL W. ROYSTON
1913-1991

H. ANTHONY MUELLER
1913-2000

RICHARD A. REID
1931-2008

Via Hand Delivery

Ms. Krysundra "Sunny" Cannington
Administrator
Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, MD 21204



Re: In the Matter of Joshua and Kelly Stone
1710 Ruxton Road
CBA # 17-273-A
Appeal Assigned for: July 19, 2017 at 10:00am

Dear Ms. Cannington:

Please enter the appearance of undersigned counsel on behalf of Edward and Carol Scully, 1706 Ruxton Road, Baltimore, MD 21204, the appellants in the above referenced appeal.

Very truly yours,

James L. Shea, Jr.

JLS/jls

cc: Joshua D. and Kelly J. Stone, 1710 Ruxton Road, Baltimore MD 21204
Steve Warfield, Matis Warfield, Inc. 954 Ridgebrook Road, Suite 120, Sparks, MD 21152

Untitled

Carole Scully

Thu 6/1/2017 12:55 AM

Carole Scully <carolescully1@hotmail.com>;



SUBJECT: 1710 Ruxton Road Administrative Variance Case Number: 2017-0273-A

We, Carole & Edward Scully are property owners of 1706 Ruxton Road which is adjacent to 1710 Ruxton Road property. We are appealing the Administrative Variance to permit a proposed garage addition to the rear of the existing dwelling with a rear yard setback of 20.4 ft. in lieu of the required 40 feet. These are the reasons for the appeal:

1. In order to build the addition, our neighbor will need to cut down trees, shrubs and other vegetation along our property line, thus eliminating a beautiful and wooded green space in our neighborhood. The addition will also require a driveway which will result in the removal of more trees and vegetation.
2. We believe this project will harm the property value of our house and property. Our neighbor is requesting to bypass the law so he may build a garage addition which will enhance the value of his property value. However, the addition's close proximity to the property line will have a negative impact on our property value. It will diminish the value and desirability of our property because the addition will appear to be in our backyard. The result will be less privacy and an aesthetically unpleasing and undesirable view from our yard.
3. We feel that our neighbor will not suffer any inconvenience or hardship if he's denied the variance because he has a garage on his property which he uses.
4. The variance allows our neighbor to break the zoning law, but violates our rights as property owners to preserve the value of our property.
5. This appeal comes late because we were not notified nor knew of the request before the closing date. The Ruxton-Riderwood Association informed us after May 8th.
6. Thank you for your attention to this matter.

Sent from [Outlook](#)

JOSHUA D. AND KELLY J. STONE
1710 RUXTON ROAD
9th E; 2nd C

17-273-A

Re: Petition for Administrative Variance relief pursuant to § 1B02.3.C.1 of the BCZR to permit a proposed garage addition attached to the rear of the existing dwelling with a rear yard setback of 20.4 ft. in lieu of the required 40 ft.

5/15/17 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was GRANTED.

6/1/17 Notice of Appeal filed by Edward R. and Carole A. Scully, Protestants/Appellants.

6/2/17 Appeal received by the Board.

EDWARD J. GILLISS
Attorney At Law

ROYSTON, MUELLER, McLEAN & REID, LLP
102 West Pennsylvania Avenue (410) 823-1800
Suite 600 FAX (410) 583-5330
Towson, Maryland 21204-4575 E-MAIL: egilliss@rmmr.com

Address List

Petitioner/Appellant:

Joshua D. & Kelly J. Stone
1710 Ruxton Road
Baltimore, MD 21204-3505

Steve Warfield
Matis Warfield, Inc.
954 Ridgebrook Road, Suite 120
Sparks, MD 21152

Protestants:

Edward R. & Carole A. Scully
1706 Ruxton Road
Baltimore, MD 21204-3505

James L. Shea Jr., Esquire

Interoffice:

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 09 Account Number - 2200016493							
Owner Information									
Owner Name:		SCULLY EDWARD R SCULLY CAROLE A				Use: Principal Residence:		RESIDENTIAL YES	
Mailing Address:		1706 RUXTON RD BALTIMORE MD 21204-3505				Deed Reference:		/12221/ 00272	
Location & Structure Information									
Premises Address:		1706 RUXTON RD 0-0000				Legal Description:		1.149 AC PT LT 1A-2 1706 RUXTON RD ES BETTE S KENZIE PROP	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0069	0010	0194		0000			1A	2017	Plat Ref: 0039/0107
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1994		6,342 SF		1000 SF		1.1400 AC		04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
2	YES	STANDARD UNIT	BRICK	4 full/ 2 half	1 Attached				
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of 01/01/2017		As of 07/01/2016		As of 07/01/2017	
Land:		385,300		385,300					
Improvements		1,514,500		1,758,000					
Total:		1,899,800		2,143,300		1,899,800		1,980,967	
Preferential Land:		0						0	
Transfer Information									
Seller: SUTTON THOMAS W				Date: 06/10/1997		Price: \$1,400,000			
Type: ARMS LENGTH IMPROVED				Deed1: /12221/ 00272		Deed2:			
Seller: KENZIE BETTE L				Date: 08/04/1993		Price: \$260,000			
Type: NON-ARMS LENGTH OTHER				Deed1: /09930/ 00295		Deed2:			
Seller:				Date:		Price:			
Type:				Deed1:		Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2016		07/01/2017			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Homestead Application Information									
Homestead Application Status: No Application									
Homeowners' Tax Credit Application Information									
Homeowners' Tax Credit Application Status: No Application						Date:			

0907410210

0908650450

DR 1

Lot # 1 2200016492

1714

0906200190

1713

Pt. Bk. 0000012, Folio 0097
0903477220

Pt. Bk. 0000007D
PAI # 098024 PAI # 098024

Pt. Bk./Folio # 039107
PAI # 090286 PAI # 090286
PAI # 090286 PAI # 090286

1706

Pt. Bk. 0000039, Folio 0107
2200016493
Lot # 1A

2 CD

0906200200

1710

069B2

DR 2

1709 1600012095

9 ED
NW 10-B

DRIVEWAY
DRIVEWAY

Pt. Bk. 0000049, Folio 0144
Pt. Bk./Folio # 049144 1900009026

Lot # 3

Lot # 8 1600013723

0919270150

2100012546

1995-0345-A
1600013724
PAI # 090267 Lot # 9
PAI # 090267
Pt. Bk./Folio # 037083

1600013726

Lot # 11

1980-0016-A
1600013725
Lot # 10

1994-0106-AA

Pt. Bk. 0000037, Folio 0083

2017-0273-A

1705

Pt. Bk. 0000023, Folio 0128

1614

A-5700-0102



0907410210

0908650450

DR1

Lot # 1 2200016492

1713

Pt. Bk. 0000012, Folio 0097
0903477220

Pt. Bk. 0000012, Folio 0097D
PAI # 098024

0906200190

1714

RUXTON RD

Pt. Bk./Folio # 039107

PAI # 090286

PAI # 090286

PAI # 090286 PAI # 090286

1706

Pt. Bk. 0000039, Folio 0107

2200016493

Lot # 1A

2 CD

0906200200

1710

069B2

DR 2

9 ED
NW 10-B

1709 1600012095

RUXTON RD

DRIVEWAY
DRIVEWAY

Pt. Bk. 0000049, Folio 0144

Pt. Bk./Folio # 049144 1900009026

Lot # 3

Lot # 8 1600013723

1995-0345-A

1600013724

PAI # 090286

Pt. Bk./Folio # 037083

2100012546

0919270150

Pt. Bk. 0000023, Folio 0128

1600013726

Lot # 11

1980-0016-A

1600013725

Lot # 10

1994-0106-AA

Pt. Bk. 0000037, Folio 0083

1705

1614

2010-0278-A



2017-0273-A

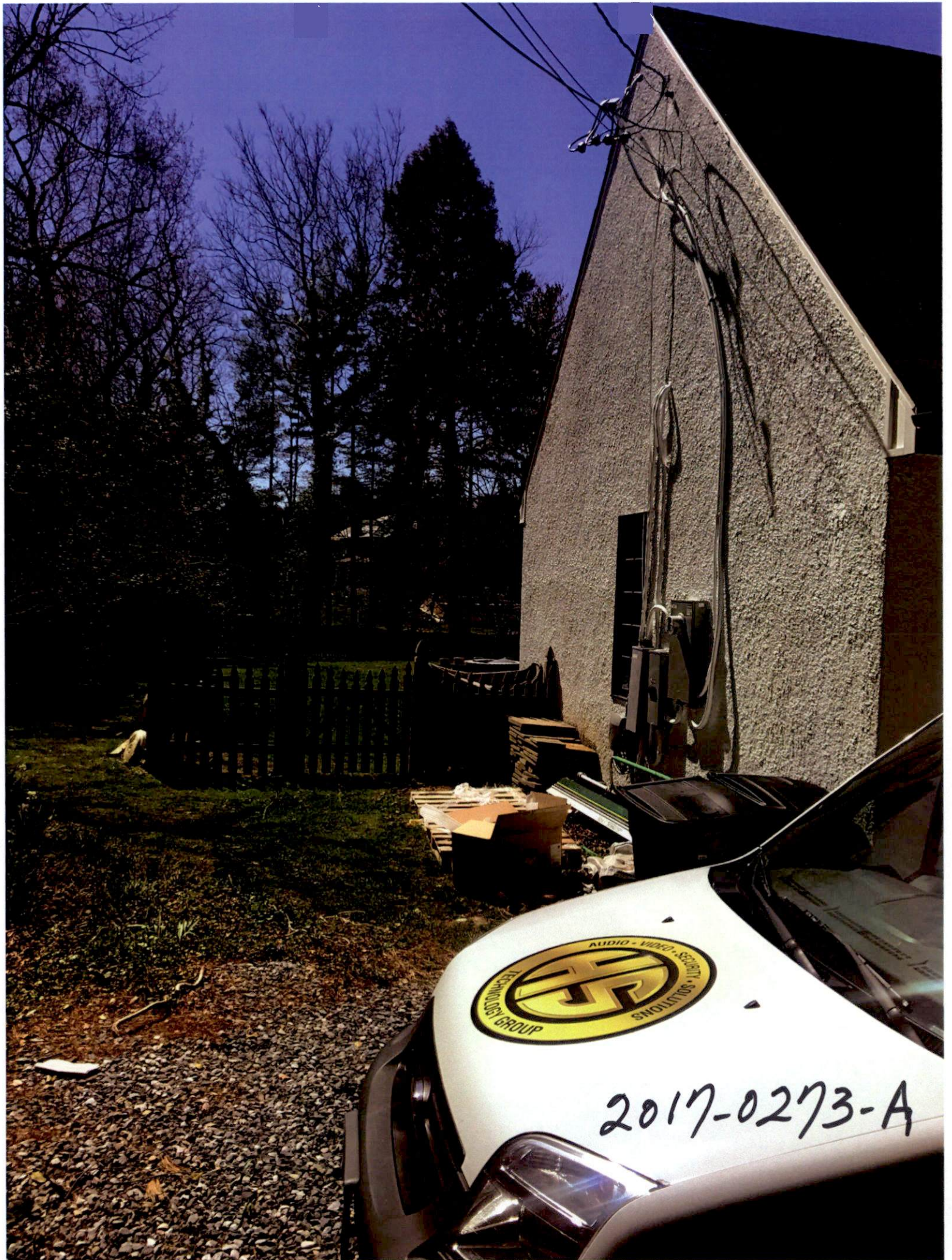


2017-0272-A



2017-0273-A







2017-0273-A

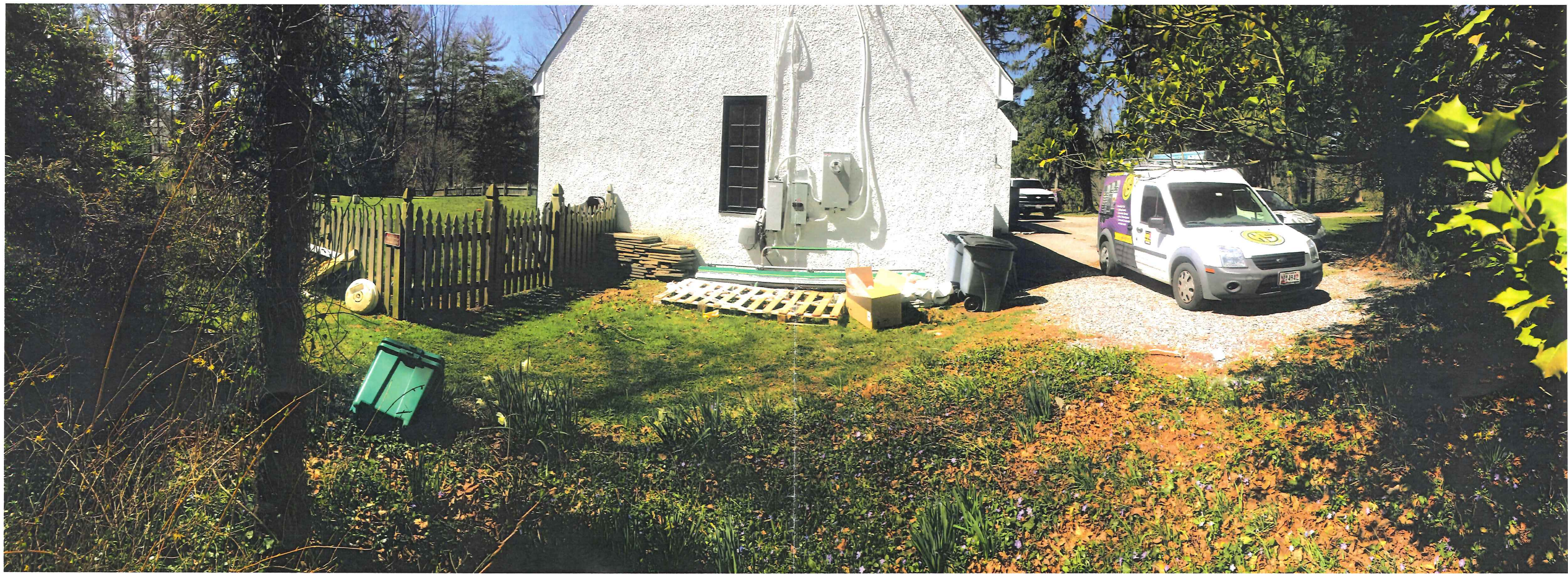




2017-0273-A



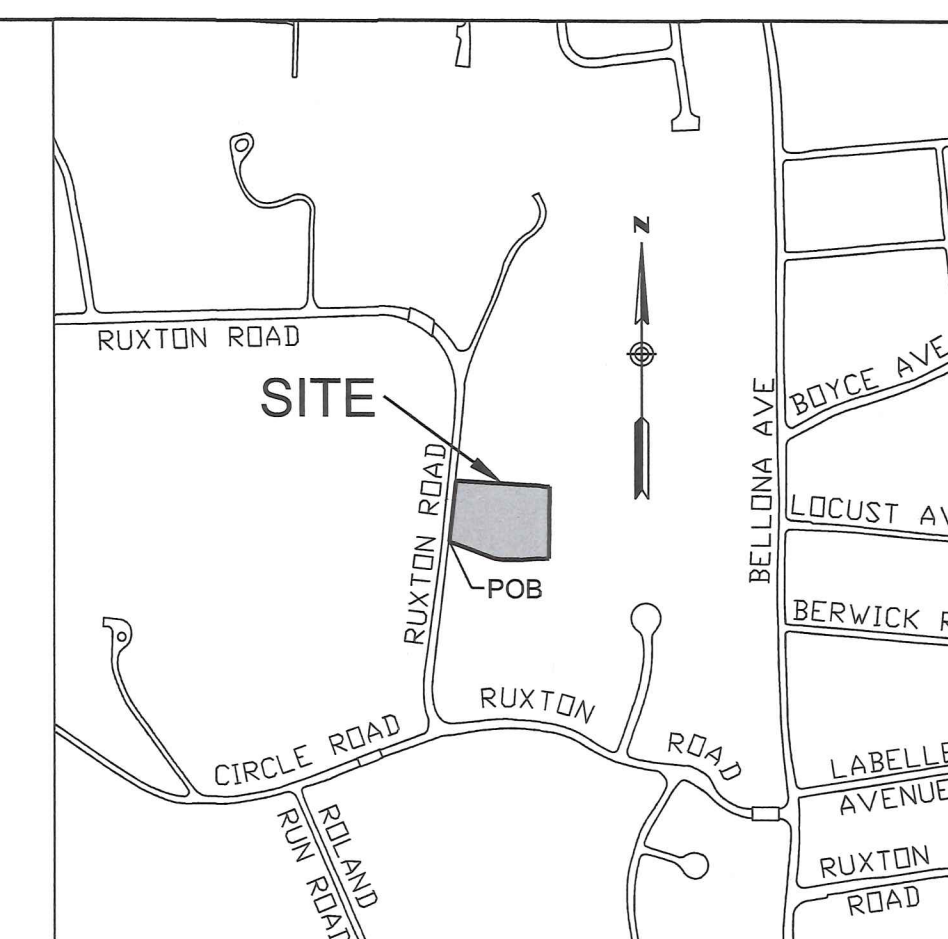
2017-0273-A



2017-0273-A



2017-0273-A



VICINITY MAP
SCALE = 1"=500'

Property Line	_____
Floodplain	_____ FP _____
Existing Building	=====
Existing Edge of Paving	-----
Existing Sidewalk	_____
Existing Water	-----
Existing Sewer	-----
Existing Gas	_____ G _____ G
Existing Overhead Lines	_____ OH _____ OH
Existing Electric	_____ E _____ E
Proposed Addition	
Proposed Paving	

1. Zoning Map #: 069B2
2. Current Zoning: DR-2
3. Tax Map: 69 Parcel: 579
4. Election District: 9
5. Council District: 2
6. Lot Acreage: 1.23 AC (53,475 sf)
7. This site is not Historic.
8. This site does not fall within the Chesapeake Bay Critical Area
9. This site is within the 100 year floodplain per FEMA Map 2400100245F
Dated August 2, 2011
10. This site is served by public water
11. This site has a septic system on site.
12. There are no prior Zoning Cases
13. Minimum Yard Setbacks per BCZR Section 1B02.3(C)(1)
 - Front Yard - 40
 - Side Yard - 15
 - Sum of Side Yards - 40
 - Rear Yard - 40

Sheet
1 OF 1

2017-0273-A

Pet. Exh. I